

**FILED**

FEB 24 2011

**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

1 BARRY J. PORTMAN  
Federal Public Defender  
2 JOYCE LEAVITT  
Assistant Federal Public Defender  
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4 (510) 637-3500

5 Counsel for Defendant MERLOS-YOVANY

6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,  
12  
13 Plaintiff,

14 v.

15 OSIRIS MERLOS-YOVANY  
16 Defendant.  
17

)  
) No. CR 11-00049 CW (MEJ)

)  
) STIPULATION AND ~~PROPOSED~~  
) ORDER CONTINUING STATUS  
) DATE  
)  
)  
)

18 **STIPULATION**

19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the status date  
20 for defendant Osiris Merlos-Yovany, currently set for Friday, February 25, 2011, at 9:30 a.m. before  
21 Magistrate Judge Maria Elena James is vacated and continued to March 3, 2011, at 9:30 a.m. before  
22 Magistrate Judge Donna M. Ryu. The reason for the continuance is that defense counsel has  
23 conflicting court appearances in Oakland, CA at the time of the scheduled February 25, 2011  
24 hearing. In addition, counsel needs time to meet with Mr. Merlos-Yovany, with the assistance of an  
25 interpreter to complete the financial affidavit and discuss the charges and evidence with him.  
26

1 IT IS FURTHER STIPULATED that the time from Friday, February 25, 2011, to Thursday,  
2 March 3, 2011, shall be excluded in accordance with the Speedy Trial Act, 18 U.S.C. §§  
3 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel.

4 DATED: 2/23/11

5 /s/  
JOYCE LEAVITT  
6 Attorney for Javier Gutierrez-Chavez

7 DATED: 2/23/11

8 /s/  
JOSEPH P. AUDAL  
Special Assistant United States Attorney

9 I hereby attest that I have on file all holographed signatures for any signatures indicated by a  
10 conformed signature (/s/) within this e-filed document.

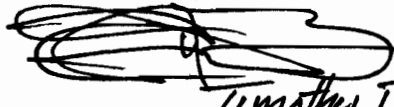
11 **ORDER**

12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status date for defendant  
13 Osiris Merlos-Yovany, currently set for Friday, February 25, 2011, at 9:30 a.m. before Magistrate  
14 Maria Elena-James is continued to March 3, 2011, at 9:30 a.m. before Magistrate Donna M. Ryu.

15 IT IS FURTHER STIPULATED that the time from Friday, February 25, 2011, to Thursday,  
16 March 3, 2011, shall be excluded in accordance with the Speedy Trial Act, 18 U.S.C. §§  
17 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends of  
18 justice served outweigh the best interests of the public and the defendant in a speedy and public trial  
19 and the failure to grant the requested continuance would unreasonably deny counsel the reasonable  
20 time necessary for effective preparation, taking into account due diligence and continuity of counsel.  
21

22 SO ORDERED.

23 DATED:

24   
25 HONORABLE MARIA ELENA JAMES  
26 United States Magistrate Judge